

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

November 17, 2006

TO: Beverly Najarian, Director

DEPT: Administration

FROM: Walter Craddock, Esq.

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday November 9, 2006. Also be advised the following people were present during the hearing: Legal Counsel Susan Wilson, Esq., Division of Legal Services and the hearing Board members: Walter Craddock, Esq., James Botvin, Dennis Gertsmeier and Lt. David Palmer of The Rhode Island State Police, who was not present for the first three items on the agenda.

Absent: Thomas Ricci

MEETING OF NOVEMBER 9, 2006 AT 9:00 AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI
02860**

**1. M & J DYNASTY SALES AND AUTO BODY (Marisela McClary, Pres.
)**

FIRST APPLICATION:

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 17 NARRAGANSETT AVENUE, PROVIDENCE, RI 02907

DECISION: Application approved subject to site inspection. Three (3) dealer plates have been granted.

2. INSKIP BMW (Roger S. Penski, Jr. Chairman / Kimberly O'Brien, Esq.)

TRANSFER APPLICATION:

FROM: 885 QUAKER LANE, WEST WARWICK, RI 02886

TO: 1515 BALD HILL ROAD, WARWICK, RI 02886

DECISION: Transfer has been approved subject to site inspection, photographs and updated lease. A letter of no protest is on file from Newport BMW, the only dealer in the area.

3. INSKIP NISSAN (Roger S. Penski Jr. Chairman / Kimberly O'Brien, Esq.)

TRANSFER APPLICATION:

FROM: 1517C BALD HILL ROAD

TO: 885 QUAKER LANE, WEST WARWICK, RI 02886

DECISION: Transfer has been approved subject to site inspection, photographs and updated lease. All area Nissan dealers have submitted letters of no protest.

HEARING BOARD RESULTS

PAGE 2 OF 2

4. NICHOLAS LISI V. A & J AUTO SALES, INC. (John Ciaramello, Pres. / Paul DiMaio, Esq.)

COMPLAINT / SHOW CAUSE HEARING

2ND. RESCHEDULED HEARING

Rescheduled at the request of A&J Auto Sales. Mr. Ciaramello unable to attend because of illness.

5. ENFORCEMENT / DEALERS V. KING RICHARD'S

SUZUKI/SEEKONK ISUZU (Richard Palumbo, Pres.)

SHOW CAUSE HEARING

DECISION: The Dealer was issued a written warning for improper use of dealers plates as allowed by R.I.G.L. § 31-5-11 (3) & (10) and R.I.G.L. § 31-3-20.

6. THOMAS J. GORMLEY JR. V. RASTELLI TRUCK & AUTO SALES (Paul Angelone, Owner)

COMPLAINT / SHOW CAUSE HEARING

Continued at the request of the Chairman to enable both sides to submit additional documents requested by the board.

7. GARY FINCKE V 1010 AUTO SALES (Lisa Rothermel. Pres.)

COMPLAINT / SHOW CAUSE HEARING.

DECISION: The Board has determined that 1010 Auto Sales will refund the amount of \$680.79 to the Consumer. This amount represents the total amount awarded to the Consumer of \$1380.79 minus a \$200.00 check the Consumer previously received from the dealer, minus \$500.00, the amount of the credit card payment to the Dealer for the down payment which was cancelled by the Consumer.

8. CAR EMPORIUM (Didi Freiman, Pres.)

CHANGE IN CORPORATE OFFICERS.

FOR DISCUSSION ONLY

The Board reviewed the BCI report and has determined that it is satisfactory and the change in officers should be allowed.

Walter Craddock, Esq.

Chairman

Cc: Charles Dolan, Administrator, DMV

John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Susan Wilson, Esq., Division of Legal Services, DOA

File